

REMARKS

Applicants submit this amendment in response to the Final Office Action dated July 27, 2004. Claims 1-34 have been allowed. Withdrawn claims 35-37 have been canceled. Although independent claim 38 has been rejected as anticipated by U.S. Patent No. 5,308,359 (Lossing), its dependent claim 39 has been indicated to contain allowable subject matter.

Even though claim 38 has been finally rejected, applicants respectfully request that this amendment entered because it will place the application in condition for allowance.

Aspects of the invention recited in claims 38 and 39 are shown in Figures 2 and 3 and discussed at page 11, line 28 to page 12, line 8. The invention of claims 38 and 39 includes a device that moves the patient's legs by rotating them about the hip and recites rotating "the leg cushion and the legs about the hip from a lowered position to an elevated position." As described in the patent specification, this is beneficial because lateral or vertical movement can aggravate or cause further back pain. In contrast, rotational movement imitates the natural motion of the legs about the hip.

Applicants respectfully submit that claims 38 and 39 are not anticipated by Lossing. Lossing does not disclose the step of rotating. Rather, Lossing discloses an apparatus for moving a patient's legs vertically between lowered and raised positions. For example, Figures 2, 5 and 7 show the "leg portion 83" moved vertically from a lowered position to an elevated position. As set forth in Lossing, the "leg portion 83 is *variably elevatable in a substantially perpendicular direction* relative to the bed" (Lossing, 7:5-56) (emphasis added). Thus, Lossing fails to disclose the claimed rotational step and does not anticipate the claim.

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PATENT
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37 CFR § 1.116

Applicants respectfully submit that after entry of this amendment the application will be in condition for allowance and request a notice of allowance.

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